

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Bruce A. Rogers :
 :
Application No.: 10/763,870 :
 : Group Art Unit: 3732
Filed: January 23, 2004 :
 : Examiner: R.K. Doan
For: HAIR HOLDING DEVICE WITH :
ELASTIC CLOSURE OPERATION :
 :
 :
Atty. Docket No.: ROG030.10001 :

I, John F. Letchford, Registration No. 33,328, certify
that this correspondence is being filed electronically
with the USPTO via EFS-Web on July 14, 2009.



JOHN F. LETCHFORD

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

STATEMENT OF SUBSTANCE OF INTERVIEW

In response to the combined telephonic and personal
interview conducted between Examiner Doan, the Applicant, Mr.
Bruce Rogers, and the undersigned conducted on June 16, 2009,
the following is a Statement Of Substance Of The Interview
("Statement") pursuant to 37 CFR § 1.133(b) and MPEP § 713.04.

REMARKS

In the aforementioned interview, the participants discussed the substantial structural and operational differences between Applicant's claimed invention and the newly-cited Blanchard reference, U. S. Patent No. 3,358,698. This Statement summarizes the substance of that interview.

More particularly, it was pointed out by Mr. Rogers and the undersigned that the elastomeric means 68 (FIGS. 12 and 13) of Blanchard biases the members 60 and 62 of the Blanchard device toward either an open or a closed position whereas the presently claimed device has elastomeric means which, significantly, biases the first and second members only toward a closed position and never toward an open position, while also conforming to gathered strands of a user's hair when said hair gripping portions come into contact with gathered strands of a user's hair. The Blanchard device is incapable of functioning in the manner of Applicant's claimed device.

In this regard, Applicant is in the process of having a model of the Blanchard device fabricated to demonstrate its operation to the Examiner -- and its failure to perform as does the presently claimed invention -- in a subsequent combined personal and telephonic interview.

If the Examiner believes that a telephone interview would be beneficial to advance prosecution of the present application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Application No.: 10/763,870
Reply to Interview Dated: June 16, 2009

Respectfully submitted,

Date: July 14, 2009



John F. Letchford
Registration No. 33,328

ARCHER & GREINER, P.C.
One Centennial Square
Haddonfield, NJ 08033
Tel.: (856) 354-3013
Fax: (856) 795-0574
Email: jletchford@archerlaw.com

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